

MEMORANDUM OF UNDERSTANDING

Burlington Transit Facilities and Services

This Memorandum of Understanding (the "Agreement") is entered into as of the ____ day of _____, 2012, by and between the City of Burlington, a Vermont municipal corporation, including all City departments (collectively, the "City"), and the Chittenden County Transportation Authority ("CCTA"), a Vermont municipal corporation.

Background

A. CCTA provides regional transit services and, with the cooperation of the City, is in the process of expanding its station in downtown Burlington in order to be able to provide improved public transportation facilities and services to the City.

B. The City and CCTA have determined that expansion of public transportation facilities and services is critical to the City's sustainable economic growth and CCTA's ability to serve both Burlington and the region.

C. The expansion of public transportation services within the City is encouraged by the City Transportation Plan, the Burlington Municipal Development Plan, the Legacy Project Plan, and the Climate Action Plan.

D. The City has secured a 2004 Federal Transit Administration ("FTA") discretionary grant entitled, "Burlington Transit Facilities, Vermont," with grant number VT-03-0047, approved on September 25, 2008, in the amount of \$2,427,184 (the "Grant"). The current balance of the Grant is \$2,338,068. The Grant is likely to expire if not used soon.

E. The City had initially intended to use the Grant to develop a South End Transit Center. Due to the evolution of the City's needs and the facilities and services required to serve those needs since the grant application was originally prepared and approved, the City has determined that the City's transit goals would be best served by assisting CCTA in expanding the facilities and resources that CCTA will have available to serve the City's and the region's transportation needs.

F. The City and CCTA, together with other stakeholders, have been successful in increasing ridership for CCTA's bus services. The increased ridership, together with continuing demands for transit services that minimize the impact on the environment, has put a strain on the capacity of CCTA's current facility on Industrial Parkway and CCTA's current fleet of buses. CCTA would like to acquire additional buses and expand that facility, at its current property or at a nearby or alternate site, in order to provide additional space and improved facilities for storage, maintenance, parts, and parking for its drivers.

G. The City wishes to assign the Grant to CCTA to allow CCTA to acquire additional buses and expand the facilities that it will need to maintain and service its expanded bus fleet (together, the "Project").

Agreement

In consideration of the background summarized above, and the mutual promises set forth in this Agreement, the City and CCTA agree as follows.

GRANT

1. The City will assign the balance of the Grant to CCTA. The City and CCTA will cooperate in obtaining any necessary consent from FTA. Upon the assignment of the Grant by the City to CCTA, and provided that the FTA consents, the City will maintain no rights to, or liabilities under, FTA Project # VT-03-0047, the Grant, or any and all funds awarded to the City by the FTA pursuant to the Grant, beyond the rights and responsibilities defined in this Agreement.

2. The City will submit the appropriate documentation to the FTA and obtain any necessary approvals from the FTA to assign the project to CCTA.

3. CCTA will be responsible for obtaining other funding or meeting any other requirements for the Project through means determined by CCTA. Except as may be otherwise agreed, the City will not be responsible for additional funding for the Project beyond that incurred as a member of CCTA.

4. Provided that it has obtained all necessary consents from the FTA, CCTA shall have the discretion to use the Grant, in whole or in part, for the expansion of its operations and maintenance facilities or the acquisition of buses, or both.

5. CCTA will comply with all local, state, and federal laws in the implementation of the Project.

IN WITNESS WHEREOF, the duly authorized representatives of the City and CCTA have executed this Agreement as of the date set forth above.

CITY OF BURLINGTON

By: _____
Miro Weinberger, Mayor
Duly Authorized

CHITTENDEN COUNTY TRANSPORTATION AUTHORITY

By: _____
Bill Watterson, General Manager
Duly Authorized